



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/806,354

03/23/2004

Gregg R. Espenshade

061270-0917

3968

58898

7590

05/25/2007

LEMPIA FORMAN LLC  
223 W. JACKSON BLVD.  
SUITE 620  
CHICAGO, IL 60606

EXAMINER

PHAN, HAU VAN

ART UNIT

PAPER NUMBER

3618

NOTIFICATION DATE

DELIVERY MODE

05/25/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@lempialaw.com  
jackie@lempialaw.com  
mail@lempialaw.com

## Office Action Summary

Application No.

10/806,354

Applicant(s)

ESPENSHADE, GREGG R.

Examiner

Hau V. Phan

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21,22,25 and 26 is/are allowed.
- 6) ☒ Claim(s) 1-6,8-11 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Acknowledgment*

1. The amendment filed on 3/21/2007 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

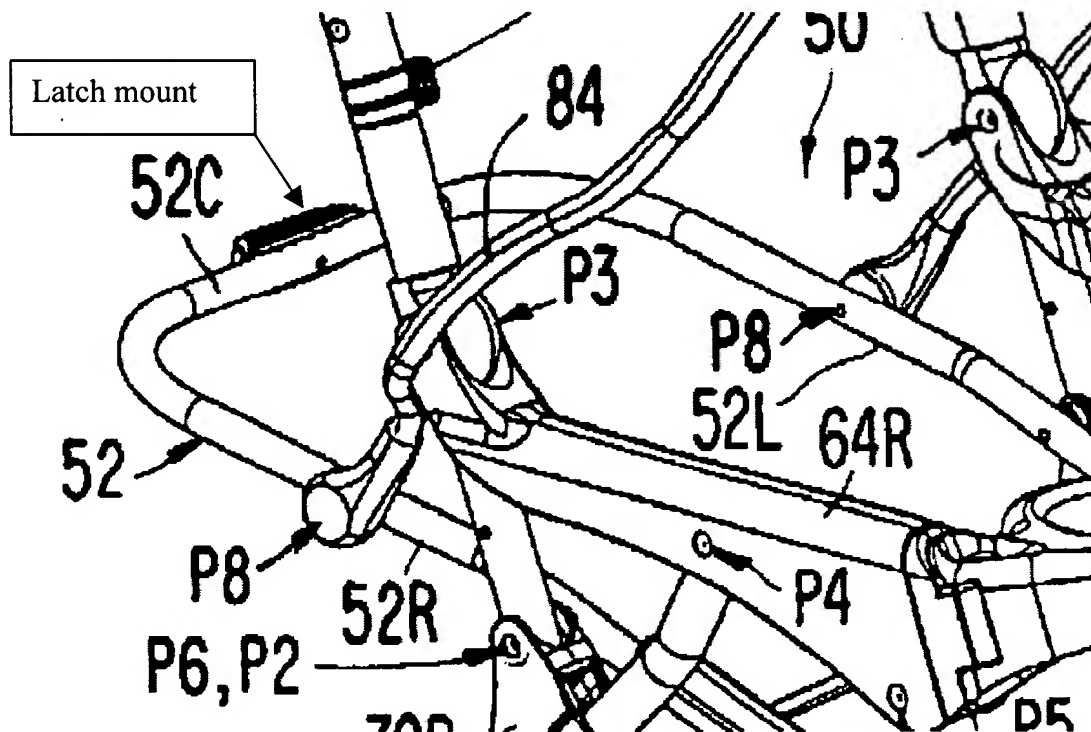
3. **Claims 1-11 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. (4,923,208) in view of Hartenstine et al. (6,478,327).**

Takahashi et al. in figures 1-3, 20-21, disclose a baby carriage comprising a basket (72) having a latch or a stopper (8). The latch includes a flange-shaped engagement portion (81). Takahashi et al. fail to show a latch mount.

Hartenstine et al. in figures 1-1A, teach a stroller comprising a stroller frame, a basket frame (52) including a pair of arms (52R, 52L) mounted to the stroller frame and a rear cross member (52C) extending between the pair of arms. Hartenstine et al. also teach a latch mount (as shown in figure 1) coupled to the rear cross member, a basket (5) mounted to move relative to the basket frame. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the basket of

Art Unit: 3618

Takahashi et al. with the baby carriage having basket, which includes a latch as taught by Hartenstine et al. in order to allow a latch coupled to the basket to releasably engage the latch mount, thereby allowing the basket to move between a closed position and an open position relative to the basket frame and allow the basket can be fold easily.



Regarding claim 2, Hartenstine et al. disclose the basket including an upper rim mounted to pivot relative to the basket frame, and the latch is coupled to the upper rim of the basket.

Regarding claim 3, Takahashi et al. teach the basket further including an enclosure (5) coupled to the upper rim.

Regarding claim 4, Takahashi et al. teach the latch including at least one flange configured to be coupled to the upper rim of the basket.

Regarding claim 5, Hartenstine et al. disclose the stroller frame including a handle assembly having a pair of push arms, and each arm of the basket frame is pivotally coupled to a respective push arm of the handle assembly.

Regarding claim 6, Hartenstine et al. disclose the stroller frame including a pivot extending between each arm of the basket frame and each respective push arm.

Regarding claim 8, Takahashi et al. teach the latch including a resilient spring member to releasably engage the latch mount.

Regarding claim 9, Takahashi et al. teach the latch that is generally U-shaped and includes a plate opposite the resilient spring member.

Regarding claim 10, Takahashi et al. teach the latch mount including a pocket having an upwardly facing shoulder, and the latch includes resilient spring member adapted to releasably engage the shoulder.

Regarding claim 11, Takahashi et al. teach the latch mount including a channel, and the rear cross member of the basket frame extends through the channel.

#### ***Allowable Subject Matter***

4. Claim 21-22, 25-26 are allowed.

#### ***Response to Arguments***

Applicant's arguments filed 3/21/2007 have been fully considered but they are not persuasive. In response to applicant's remark that incorporating Hartenstine's basket "latch mount" into Takahashi would not enhance functionality of Takahashi for its

intended purpose (and in fact would result in adding extra unnecessary parts to Takahashi's teachings), one skilled in the art would not be motivated to combine the teachings of Hartenstine into Takahashi. The examiner disagrees, because by adding the latch mount into Takahashi's cross bar would improve open and close the basket easily or the fabric will not be damage by the stopper. The applicant also remark that Takahashi teaches away from the relative movement disclosed in Hartenstine because Takahashi's basket is movable between an open and a closed position while maintaining the baby carriage in an operating position. Incorporating Hartenstine into Takahashi would render Takahashi unsuitable for its intended purpose of moving the basket between open and closed positions while the baby carriage remains operational. The examiner disagrees, because adding the latch mount to the cross bar of Takahashi et al. did not destroy the function of the basket in Takahashi et al.. The applicant also argues that the handling portion (82) has a U-shaped profile that is adapted to be mounted on and engaged with a rear edge portion of the frame member 71 (See Takahashi, Col. 4, lines 56-60). Accordingly, Takahashi teaches away from mounting the handling portion onto Hartenstine's "latch mount" because the "latch mount" is not a rear edge portion of the Hartenstine's frame member, but rather is a structure that is mounted onto the frame member. Moreover, Fig. 1 of Hartenstine clearly illustrates the "latch mount" as a protrusion from the cylindrical cross member (52C). The protrusion has a shape that would not be amenable to mounting a member having a U-shaped channel, and as a result, Takahashi's U-shaped handling portion (82) would not adequately (if at all) engage the Hartenstine's "latch mount" when closing the bag (72).

Art Unit: 3618

As noted above, Takahashi's U-shaped handling portion (82) is specifically configured to mount onto the round cross member of the frame, and not onto a differently shaped protrusion from the cross member. The examiner disagrees, because the latch mount of the reference Hartenstine is attached to the cross member (52C) by a screw or a bolt that can be removed and mounted on the cross member of Takahashi. The U-shaped handling portion is flexible or bendable for biasing into the cross member.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V. Phan whose telephone number is 571-272-6696. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hau V Phan  
Primary Examiner  
Art Unit 3618

  
5/15/07